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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,359	03/01/2002	James R. Lewis	BOC9-2001-0018(262)	4060
40987	7590	10/20/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			SHORTLEDGE, THOMAS E	
		ART UNIT	PAPER NUMBER	
		2654		

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,359	LEWIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas E. Shortledge	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2005.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This communication is responsive to Remarks/Arguments filed 07/19/2005.
2. Claims 1-17 are pending in the application. Claims 1, 9, and 10 are independent.
3. Claims 1, 2, 5, 8-11, 14 and 17 have been amended.

***Response to Arguments***

4. Applicant's arguments with respect to claim 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bryan et al. (6,658,414).

As to claims 1 and 10, Bryan et al. teach:

a method of generating a grammar for recognizing headings in a speech recognition system (generating user voice portals, where the voice portals are able to recognize created speech commands, allowing the user to create their own grammar, col. 7, lines 46-60, col. 10, lines 5-10);

determining that said at least one heading section is to be presented to a user (presenting templates to the user to obtain information from the user regarding information sources such as keywords and audio macros for accessing search results, col. 8, lines 13-15);

automatically identifying, within a data store, at least one heading selection (keywords) associated with a content item, wherein each of said at least one heading selection is able to be used as a selection item for identifying the content item through a speech interface (using keywords as an audio macro to search a data store, where the keyword returns relevant data within the data store, col. 9, lines 45-55);

automatically extracting at least a first word from each said identified heading selection, wherein said extracted at least first word includes "n" words of the heading section, and where in "n" is less than the total number of words in the heading selection (automatically extracting keywords from the templates supplied to the users, where the keywords are related to information of interest for the user, for example, a cardiologist may be supplied with medical journals, where information related to their field can be extracted such as the keyword "heart", and any item containing the keyword heart will

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be returned when such a search is completed. The keywords link each piece of data to the voice portal created by the user, and the keywords contain less words than the data they search, since the keywords are only one or two words, and the data is journals, containing many words, col. 8, lines 8-20, and col. 9, lines 45-55, col. 10, lines 5-10);

automatically generating a heading grammar by including each said extracted word of said identified heading selections within said heading grammar (including each of the keywords within a personalized voice portal for each user, col. 7, lines 45-60, col. 10, lines 5-10);

presenting said identified heading to the user (presenting the found data to the user, col. 9, lines 45-55);

speech recognizing a spoken user selection using said heading grammar (col. 10, lines 23-54).

As to claims 2 and 11, Bryan et al. teach the heading selections are specified within the content item by identifying tag of a markup language (using VoiceXML grammar and HTML tags to retrieve the information, col. 8, lines 31-43).

As to claims 3 and 12, Bryan et al. teach said automatic generating step dynamically generates said heading grammar responsive to a user request for at least one content item (generating a keyword grammar, responsive to a users request for data within a data store, col. 8, lines 8-20, and col. 10, lines 5-10).

As to claims 4 and 13, Bryan et al. teach said automatic generating step dynamically generates said heading grammar responsive to a presentation of individual ones of said identified heading selections (generating a keyword grammar, after the information related to the information templates is supplied to the users, col. 8, lines 8-20).

As to claims 5 and 14, Bryan et al. teach "n" is a number between one and two, (the keywords used to search the data stores contain less words than the contained within data returned, where it would be necessary for this to include the keywords being one or two words less than the data within the data store, since the data within the store would have a variable amount of words within in each, col. 8, lines 8-20, and col. 9, lines 45-55).

As to claims 6 and 15, Bryan et al. teach presenting said identified heading selections through a speech interface, and decoding user speech selecting one of said heading selections according to said heading grammar (voice portals containing the user created grammar can be accessed over a telephone, where a text-to-speech converter is available, (col. 7, lines 45-55, and col. 8, lines 67-68), where it would be necessary that since the user would not be able to see the action available keywords, for the keywords to be supplied to the user over the phone. The system is contains a speech recognizer for decoding the users speech, col. 10, lines 23-45).

As to claims 7 and 16, Bryan et al. teach said user speech comprises a first word of one of said heading selections (recognizing the keyword to be searched from the user, col. 10, lines 5-23).

As to claims 8 and 16, Bryan et al. teach said heading grammars are automatically generated at designated times and occur during at least one of a system update action and a system synchronization action (the grammars are generated when the user access the system the first time, and when the user chooses to update the system, col. 7, line 50-60).

As to claim 9, Bryan et al. teach a computer based speech recognition system for recognizing, at least in part, heading selections, (*a speech recognizer for recognizing keyword searches, col. 8, lines 8-15*), said speech recognition system having an automatically generated heading grammar comprising at least a first word from each of said heading selections (*including each of the keywords within a personalized voice portal for each user, col. 7, lines 45-60, col. 10, lines 5-10*), wherein said at least first word includes "n" words of the heading selection, and wherein "n" is less than the total number of words in the heading selection, wherein each of said heading selections references a particular content item (*automatically extracting keywords from the templates supplied to the users, where the keywords are related to information of interest for the user, for example, a cardiologist may be supplied with medical journals, where information related to their field can be extracted such as the keyword "heart"*,

*and any item containing the keyword heart will be returned when such a search is completed. The keywords link each piece of data to the voice portal created by the user, and the keywords contain less words than the data they search, since the keywords are only one or two words, and the data is journals, containing many words, col. 8, lines 8-20, and col. 9, lines 45-55, col. 10, lines 5-10), and wherein spoken user selections are speech recognized using said automatically generated heading grammar (col. 10, lines 23-54).*

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.
  
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS  
10/13/2005



RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER